

DEC 30 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MIGRAN NSHANNOVI ERZRUMYAN,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 06-72343

Agency No. A071-179-651

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted December 17, 2008^{**}

Before: WALLACE, TROTT, and RYMER, Circuit Judges.

Migran Nshanovi Erzurumyan, a citizen of Armenia, petitions for review of the Board of Immigration Appeals' order summarily affirming an immigration judge's ("IJ") order denying his motion to reopen deportation proceedings

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

conducted in absentia. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion, *Lo v. Ashcroft*, 341 F.3d 934, 937 (9th Cir. 2003), and we deny the petition for review.

The IJ did not abuse her discretion in denying Erzurumyan's motion to reopen. Erzurumyan does not dispute that he received adequate notice pursuant to 8 U.S.C. § 1229(a)(1), and he failed to establish that his former counsel's alleged ineffective assistance of counsel was an "exceptional circumstance" within the meaning of 8 U.S.C. § 1229a(e)(1), *cf. Lo*, 341 F.3d at 937-38 (sufficient compliance with the requirements of *Matter of Lozada*, 19 I. & N. Dec. 637 (BIA 1988), where counsel took responsibility for employee's mistake, and petitioners included this explanation in their affidavits, along with an affidavit from counsel).

PETITION FOR REVIEW DENIED.